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NATIONSTAR MORTGAGE, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARY K. IRVIN AND CHARLES W.
IRVIN,

Case No.:

Plaintiffs,

vs.

PETITION FOR REMOVAL

NATIONSTAR MORTGAGE LLC, a foreign
limited liability company; DOES I through X,
inclusive; and ROE CORPORATIONS I through
X, inclusive,

Defendants.

NOW COMES, Defendant, NATIONSTAR MORTGAGE LLC, pursuant to 28 U.S.C.
§§ 1331, 1332, 1441, and 1446, and hereby removes this action, Case No. A-16-741092-C,
currently pending in the Eighth Judicial District Court of the State of Nevada in and for the
County of Clark ("Clark County District Court") to the Southern (Las Vegas) Division of the
United States District Court for the District of Nevada. The removal of this case is based on the
following grounds.

1. **State Court Action**

Plaintiffs, MARY K. IRVIN and CHARLES W. IRVIN (collectively referred to as
"Irvin"), Nevada residents, filed this action against NATIONSTAR MORTGAGE LLC, a

Delaware limited liability company (“Nationstar”); on August 3, 2016. The case is styled *Mary K. Irvin and Charles W. Irvin v. Nationstar Mortgage LLC*; and designated Clark County District Court, Case No. A-16-741092-C, Dept. 21.

2. **Nationstar’s Receipt of Irvin’s Initial Pleading**

Nationstar was served with a copy of the Summons and Complaint by service upon its resident agent on August 11, 2016.

3. **Nature of Action in Irvin’s Complaint**

Irvin’s Complaint alleges unfair and deceptive acts and practices in connection with loan services and unlawful foreclosure proceedings relating to real property located at 3833 Summer Breeze Circle, Las Vegas, Nevada. Irvin asserts causes of action for (1) violation of Nevada law prohibiting unfair and deceptive consumer practices with respect to loan servicing; (2) violation of Nevada law prohibiting unfair deceptive consumer practices with respect to foreclosure processing; (3) violation of the Consumer Financial Protection Act of 2010, 12 U.S.C. §§ 5301 et seq. with respect to foreclosure processing; (4) breach of contract; (5) unjust enrichment; (6) conversion; (7) negligence; (8) intentional emotional distress; (9) obtaining property under false pretenses; (10) breach of the covenant of good faith and fair dealing; (11) fraud; (12) civil conspiracy; (13) civil RICO; and (14) punitive damages.

A. **Complete Diversity Exists Among the Parties**

This Court has jurisdiction under 28 U.S.C. §1332 because this action is between citizens of different states and the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. §1332 (a) (“[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between – (1) citizens of different States . . .”). As such, a defendant may remove the Action to

the District Court of the United States for the district embracing the Court where the Action is pending. *See* 28 U.S.C. §1441.

There is complete diversity between the parties, because, at the time Irvin's Complaint was filed, Irvin alleges that they are citizens of the State of Nevada. *See Exhibit 1*, at Complaint at 1:21-24.

Pursuant to 28 U.S.C. §1332 (c)(1), a corporation is deemed to be a citizen of any state in which it has been incorporated and of any state where it has its principal place of business. Defendant Nationstar is a citizen of Delaware, as it is a Delaware limited liability company with its principal place of business in Texas.

As Irvin are citizens of Nevada, but no defendants are citizens of Nevada, complete diversity exists.

B. The Amount in Controversy Requirement is Satisfied

In addition to complete diversity, this Action satisfies the requirement of 28 U.S.C. §1332 that the amount in controversy exceeds the sum of value of \$75,000.00. Irvin seeks damages for unfair and deceptive acts and practices in connection with loan services and unlawful foreclosure proceedings relating to real property located at 3833 Summer Breeze Circle, Las Vegas, Nevada. The value of the particular claim exceeds \$75,000.00, exclusive of costs and interest, which satisfies the amount in controversy requirement.

C. The Complaint Raises a Federal Question

In addition to diversity jurisdiction, this Court has jurisdiction over this Action pursuant to 12 U.S.C. §§ 5301 et seq in that Irvin raises a Federal Question. Specifically, Irvin claims violation of the Consumer Financial Protection Act of 2010 pursuant to sections 1031(a) and 1036 of the CFPA, 12 U.S.C §§ 5531(a) and 5536.

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5. Venue

The United States District Court for the District of Nevada, Southern (Las Vegas) Division, encompasses the county in which the state court action is now pending, and thus, this Court is the proper district court to which this case should be removed. *See* 28 U.S.C. §§1441(a), 1446(a).

6. Timeliness of Petition of Removal

Pursuant to 28 U.S.C. §1446(b), this removal is timely because thirty (30) days have not elapsed since the Complaint has been served on Nationstar.

7. State Court Pleadings

Pursuant to 28 U.S.C. §1446(a), Nationstar is simultaneously filing with this Petition copies of all process, pleadings, orders, and other papers or exhibits of every kind existing on file in Clark County District Court, in this removal action. *See Exhibit 1*, Complaint and *Exhibit 2*, Affidavit of Service. Pursuant to 28 U.S.C. §1446(d), Nationstar is providing written notice to Irvin, by and through her counsel, and is filing a true and correct copy of a Notice of Filing Petition for Removal with Clark County District Court. *See Exhibit 3*, Notice of Filing Petition for Removal.

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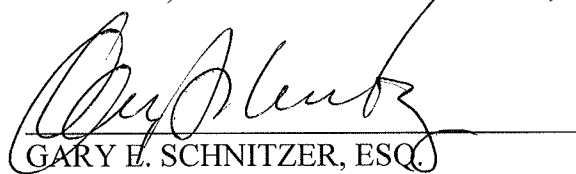
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In filing this Petition for Removal, Nationstar does not waive, and specifically reserves, all defenses, exceptions, rights and motions, and the right to assert a counterclaim. No statement herein or omission herefrom shall be deemed to constitute an admission by Nationstar of any of the allegations of or damages sought in the Complaint. Based on the foregoing, Nationstar removes this action, Case No. A-16-714092-C, from the Eighth Judicial District Court of the State of Nevada in and for the County of Clark to the United States District Court for the District of Nevada.

DATED this 9 day of September, 2016.

KRAVITZ, SCHNITZER & JOHNSON, CHTD.



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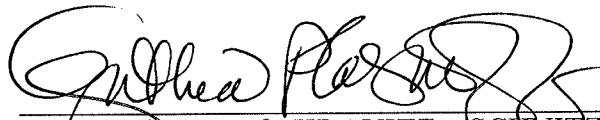
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2016, I served the foregoing

PETITION FOR REMOVAL as follows:

☒ BY ELECTRONIC SERVICE: by electronically filing and serving the document(s) listed above with the CM/ECF electronic filing system upon the following:

Marc P. Cook, Esq.
BAILUS COOK & KELESIS, LTD.
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